

Application No. 10/775,453
Attorney Docket No. 13DV-13640 (07783-0151)

D.) AMENDMENTS TO THE DRAWINGS

None.

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E.) REMARKS

This Response is filed in response to the Office Action dated October 7, 2005.

Upon entry of this Response, claims 2-12 and 15-16 will be pending in the Application.

In the outstanding Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite; rejected claims 1, 3, 4, 8-11, and 13 under 35 U.S.C. 102(b) as being anticipated by Skoog et al. (U.S. Patent No. 6,210,791); rejected claims 1, 3-5, 8, 10 and 13 under 35 U.S.C. 102(b) as being anticipated by Elarde et al. (U.S. Patent No. 3,361,583); rejected claims 1, 3-5, 8-11, 13, 14 and 17 under 35 U.S.C. 102(b) as being anticipated by Stowell et al. (U.S. Patent No. 6,413,578) and indicated as allowable claims 2, 6, 7, 12, 15, 16 and 18.

Rejection under 35 U.S.C. 102

The Examiner rejected claims 1, 3, 4, 8-11 and 13 under 35 U.S.C. 102(b) as being anticipated by Skoog et al. (U.S. Patent No. 6,210,791) hereafter "Skoog", rejected claims 1, 3-5, 8, 10 and 13 under 35 U.S.C. 102(b) as being anticipated by Elarde et al. (U.S. Patent No. 3,361,583) hereafter "Elarde", and rejected claims 1, 3-5, 8-11, 13, 14 and 17 under 35 U.S.C. 102(b) as being anticipated by Stowell et al. (U.S. Patent No. 6,413,578) hereafter "Stowell".

Applicants respectfully traverse the rejection of claims 1, 3-5, 8-11, 13, 14 and 17 under 35 U.S.C. 102(b) collectively for Skoog, Elarde and Stowell.

In response, claims 1, 13-14 and 17 are canceled and claims 3, 4 and 8-11 have been amended to depend from allowable claim 2.

Therefore, it is respectfully submitted that claims 3-5 and 8-11 are not anticipated nor rendered obvious by Skoog, Elarde or Stowell or any combination thereof and are therefore allowable.

Rejection under 35 U.S.C. 112

The Examiner rejected claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.

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In response, Applicant has canceled claims 1, 13-14 and 17-18, and amended claims 2-12 and 15-16 in a manner believed to overcome the rejection.

Applicant respectfully traverses the rejection of claims 1-18 under 35 U.S.C. 112, second paragraph.

Therefore, in view of the above, Applicant submits that claims 2-12 and 15-16 are not indefinite and comply with the provisions of 35 U.S.C. 112, second paragraph, and therefore are allowable.

Allowable Subject Matter

The Examiner objected to claims 2, 6, 7, 12, 15, 16 and 18 as being dependent upon a rejected base claim, but indicated that the claims would be allowable, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner indicated that claims 2, 6, 7, 12, 15, 16 and 18 would be allowable if rewritten or amended to overcome the rejections(s) under 35 U.S.C. 112, second paragraph, set forth in this Office Action. In response thereto, claim 2 has been rewritten in independent form including the limitations of claim 1, claims 6 and 12 has been amended to depend from claim 2. Additionally, claim 15 has been rewritten in independent form including the limitations of claim 14. Moreover, claim 16 has been rewritten in independent form including the limitations of claim 14 and further including the limitations of claims 17 and 18. Finally, claims 2, 6, 7, 12, 15 and 16 have been amended in a manner believed to overcome the rejection under 35 U.S.C. 112, second paragraph, and are therefore believed to be allowable. Additionally, claims 3-5 and 8-11 have been amended to depend from what is believed to be allowable claim 2. Therefore, claims 2-12 and 15-16 are believed to be allowable.

CONCLUSION

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 2-12 and 15-16 are not anticipated by nor rendered obvious by Skoog, Elarde or Stowell or their combination and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in

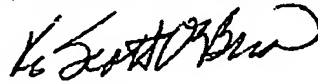
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view of the applied art, Applicant requests allowance of claims 2-12 and 15-16 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
MCNEES, WALLACE & NURICK

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